

IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF HAWAII

UNITED STATES OF AMERICA,)	CIV. NO. 06-00629 DAE/LEK
)	CR. NO. 04-00322 DAE
)	CR. NO. 05-00049 DAE
Plaintiff,)	
)	ORDER FINDING WAIVER OF
vs.)	ATTORNEY-CLIENT PRIVILEGE
)	WITH RESPECT TO DEFENDANT'S
ABRAHAM NGUYEN MARTIN)	MOTION UNDER 28 U.S.C. § 2255
)	TO VACATE, SET ASIDE, OR
Defendant.)	CORRECT SENTENCE BY A
_____)	PERSON IN FEDERAL CUSTODY

ORDER FINDING WAIVER OF ATTORNEY-CLIENT
PRIVILEGE WITH RESPECT TO DEFENDANT'S MOTION
UNDER 28 U.S.C. § 2255 TO VACATE, SET ASIDE,
OR CORRECT SENTENCE BY A PERSON IN FEDERAL CUSTODY

Defendant Anthony Durrell Kirksey filed a Motion Under 28 U.S.C. § 2255 to Vacate, Set Aside, or Correct Sentence by a Person in Federal Custody on December 9, 2004. The Defendant was represented throughout the criminal proceeding by William Domingo, former Assistant Federal Public Defender for the District of Hawaii. The Defendant claims, in part, that Mr. Domingo provided ineffective assistance of counsel, to wit: 1) By not adequately informing him of the possible consequences of his admission to the alleged violations of supervised release; and 2) By refusing to file an appeal on his behalf.

The United States has moved this Court to issue an Order which finds that as a matter of law, the Defendant has waived attorney-client privilege. The Court agrees. By filing the motion claiming ineffective assistance of counsel, the

Defendant has waived his attorney-client privilege with Mr. Domingo as to all matters raised in his § 2255 motion.

Good cause appearing therefor, it is hereby ORDERED that the Defendant has waived the attorney-client privilege as to communications with Assistant Federal Public Defender William Domingo.

DATED: Honolulu, Hawaii, March 23, 2007.





David Alan Ezra
United States District Judge

United States v. Abraham Nguyen Martin;

Cv. No. 06-00629 DAE/LEK

Cr. No. 04-00322 DAE

Cr. No. 05-00049 DAE

"Order Finding Waiver of Attorney-Client Privilege With Respect to Defendant's Motion Under 28 U.S.C. § 2255 to Vacate, Set Aside, or Correct Sentence by a Person in Federal Custody"